



Atty. Dkt. No 032026-0579

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Perry A. FREY and Frank J. RUZICKA

Title: DNA MOLECULES ENCODING
BACTERIAL LYSINE
2,3-AMINOMUTASE

Appl. No.: 09/847,010

Filing Date: 05/01/2001

Examiner: Richard G. Hutson

Art Unit: 1652

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.</p> <p>Joseph P. Meara (Printed Name)</p> <p><i>Joseph P. Meara</i> (Signature)</p> <p>November 25, 2002 (Date of Deposit)</p>

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

DEC 05 2002

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Dear Sir:

In response to the Patent and Trademark Office Action of September 25, 2002, imposing a restriction requirement on this application, Applicant provisionally elects invention B, utilizing SEQ ID NOS. 3 and 4, and respectfully requests reconsideration and withdrawal of the restriction requirement between inventions A, B, C, D, E, F, G, and H for the reasons discussed below.

The time for response to the Restriction Requirement was set to expire as of October 25, 2002. With the filing of the accompanying petition and payment of the fee, this time is extended to November 25, 2002, and this response is timely filed. The Commissioner is hereby authorized to charge any additional fee connection with this submission to Deposit Account No. 50-2350. A duplicate copies of pages 1 and the signature page of this response are enclosed for such purposes.

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